

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

Patrick Ofori

Case No: 15-69026 crm

Debtor

Chapter 13

Patrick Ofori

Movant

CONTESTED MATTER

v.

Wells Fargo Bank, NA

Respondent

**NOTICE OF ASSIGNMENT OF HEARING ON DEBTOR'S MOTION TO
DETERMINE SECURED STATUS OF WELLS FARGO BANK, NA AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

PLEASE TAKE NOTICE that the **Movant(s)/Debtor(s)** has filed a Motion to Determine Secured Status of Wells Fargo Bank, NA and to Strip Lien Effective Upon Discharge, and related papers with the Court seeking an Order granting such.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1203, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303 at 10:00A.M. on February 2, 2016.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the

Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that the Clerk receives it at least two business days before the hearing. The address of the Clerk's Office is: U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia, 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated this 7th day of January, 2016.

Attorney for Debtor

By

/s/ _____
Khristie L. Kelly, GA Bar 412755
C. Golden & Associates, LLC
5353 Fairington Rd., Suite C
Lithonia, GA 30038
kkelly@goldenbk.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

Patrick Ofori

Case No: 15-69026 crm

Debtor

Chapter 13

Patrick Ofori

Movant

CONTESTED MATTER

v.

Wells Fargo Bank, NA

Respondent

**MOTION TO DETERMINE SECURED STATUS OF
WELLS FARGO BANK, NA AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

COMES NOW Patrick Ofori (the “Debtor”) by and through undersigned counsel, and files this Motion to Determine Secured Status of Wells Fargo Bank, NA pursuant to 11 U.S.C. § 506(d) and to Strip the Lien and in support thereof, states as follows:

1.

The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on October 13, 2015. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b).

2.

Debtor's Schedule A shows an ownership interest in real property located at 960 Augusta Woods Drive, Douglasville, Douglas County, GA 30134 (the "Property"). Debtor lists the fair market value of the Property as \$105,000.00. The Douglas County Tax Assessor listed the value of the property at \$105,000.00. A copy of Douglas County Tax Assessor's report is attached hereto, marked as Exhibit "A", and incorporated by reference herein.

3.

Debtor's Schedule D reflects that the Property is subject to two Security Deed liens. The first priority Deed to Secure Debt is held by Wells Fargo Bank, NA, (account number ending in 2416) with a present estimated balance and anticipated claim in the amount of \$149,908.67. Based on the valuation, the amount of the first priority Deed to Secure Debt (\$149,908.67) exceeds the value of the Property (\$105,000.00).

4.

Debtor's property is also subject to a second Deed to Secure Debt held by Respondent Wells Fargo Bank, NA (account number ending in 7689) with a present estimated balance and anticipated claim in the amount of \$6,944.13. The Respondent has not filed a proof of claim.

5.

Pursuant to 11 U.S.C. § 506(a), Wells Fargo Bank, NA's wholly unsecured second mortgage claim is subject to a determination that the lien securing it is void upon entry of a discharge in this case. In re Tanner, 217 F.3d 1357 (11th Cir. 2000).

WHEREFORE, the Debtor respectfully requests the Court to enter an order:

- (a) granting the Motion;
- (b) determining that the amount of Wells Fargo Bank, NA's first lien exceeds the value of the real property;
- (c) further determining that Wells Fargo Bank, NA's second lien is wholly unsecured and shall be treated as a general unsecured claim;
- (d) voiding the second mortgage lien of Wells Fargo Bank, NA effective upon entry of a Chapter 13 discharge; and
- (e) granting such further relief that this Court deems just and proper.

This the 7th day of January, 2016.

Respectfully submitted,

C. Golden & Associates, LLC

_____/s/_____
Khristie L. Kelly
GA Bar No. 412755
Attorney for Movant

5353 Fairington Rd.
Suite 2A
Lithonia, GA 30038
(770) 220-7220
kkelly@goldenbk.com

Search/Select Map Contents

Real Property Search

Parcel

1 OFORI, PATRICK
960 AUGUSTA WOODS DR

- APPRAISAL -

Parcel	05531820010
Current Owner	OFORI, PATRICK
Location Address	960 AUGUSTA WOODS DR
Property Description	HSE/LOT #33, AUGUSTA WOODS :
Acres	0.00
2015 Assessment	Assessor Report Help?
2015 Digest Class	Non-Exempt
2015 Fair Market Value	\$105,000
2014 Fair Market Value	\$81,000
Sales By Neighborhood	Neighborhood Sales
Sales By Landlot	Landlot Sales
Sales History	Sales History
Landlot Map	0553182
Other Assessments	None

- TAX -

Tax Year / Bill Number	2015 / 8035999
Tax Information	Tax Information
Tax History	Tax History
Other Taxes	None
Back Taxes	None
Owner (as of Jan 1st)	OFORI, PATRICK
Property Type	REAL
Land Value	\$17,700
Improvement Value	\$87,300
Total Value (Fair Market)	\$105,000
Exemptions	
Tax District	County
Principal Tax Amount	\$1,384.28
Current Year Bill Amount	\$1,384.28
Due Date	11/16/2015
Status/Last Payment	Unpaid - Pay Bill
Paid Date	
Payment Good Through	11/16/2015
Appeal Status	None
Mortgage Company	

Tools

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am, at all times hereinafter mentioned, more than 18 years of age, and that I served a copy of the **Motion to Determine Secured Status of Wells Fargo Bank, NA and to Strip Lien Effective Upon Discharge and the Notice of Hearing for same** on the following by US Postal Mail in a properly stamped and addressed envelope:

Nancy Whaley
Chapter 13 Trustee
303 Peachtree Center Ave., Suite 120
Atlanta, GA 30303

Patrick Ofori
960 Augusta Woods Drive
Douglasville, GA 30134

Wells Fargo Bank, NA
Home Equity Group
Attn: Pennie Cruchelow
1 Home Campus X2303-01A
Des Moines, IA 50328-0001

Via Certified Mail
Well Fargo Bank, NA
Attn: John Stumpf, CEO
101 N. Phillips Ave.
Sioux Falls, SD 57104

Wells Fargo Bank, NA
Home Mortgage
Attn: BK Dept-MAC #3347-014
3476 Stateview Blvd.
Fort Mill, SC 29715

Wells Fargo Bank, NA
Home Mortgage
Attn: Robert Levine
Barrett, Daffin, Frappier, Levine & Block, LLP
15000 Surveyor Blvd., Suite 100
Addison, TX 75001

Wells Fargo Bank, NA
Attn: Abbey M. Ulsh
Barrett, Daffin, Frappier, Levine & Block, LLP
15000 Surveyor Blvd., Suite 100
Addison, TX 75001

This 7th day of January, 2016.

C. Golden & Associates, LLC

_____/s/_____
Khristie L. Kelly
GA Bar No. 412755
Attorney for Movant

5353 Fairington Rd.
Suite 2A
Lithonia, GA 30038
(770) 220-7220
kkelly@goldenbk.com